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APPLICATION GRANTED  
SO ORDERED

May 23, 2022

VIA ECF

5/24/22   
John G. Koeltl, U.S.D.J.

Honorable John G. Koeltl  
United States District Court for the Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007

Re: *Nexstar Media Inc. v. Comcast Cable Communications, LLC*, No. 1:21-cv-06860-JGK

Dear Judge Koeltl:

We represent Mission Broadcasting, Inc. (“Mission”), a third-party defendant added late Friday by Comcast Cable Communications, LLC (“Comcast”) in the above-referenced action. Pursuant to Rule VI.A.2 of Your Honor’s Individual Practices, we write to request (a) that Comcast’s Third-Party Complaint and its Answer and Counterclaim (“Pleadings”) be sealed permanently, and (b) that only the redacted versions of the Pleadings be made publicly accessible on the docket. The Pleadings contain references to and verbatim quotations of the Retransmission Consent Agreement (“Agreement”) between Comcast and Mission, which Agreement clearly states in paragraph 1 that the terms and provisions of the Agreement shall not be disclosed. Both Comcast and Mission agreed to maintain the strict confidentiality of the Agreement, and for good reason; the Agreement contains highly confidential business and competitive information that is not generally known in the market. Mission has met and conferred with both Nexstar Media Inc. and Comcast, and neither oppose this letter-motion.

“Every court has supervisory power over its own records and files.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978). In the Second Circuit, that power permits courts to “issue orders prohibiting disclosure of documents or information.” *F.D.I.C. v. Ernst & Ernst*, 677 F.2d 230, 232 (2nd Cir. 1982); *see also DiRussa v. Dean Witter Reynolds, Inc.*, 121 F.3d 818, 926 (2nd Cir. 1997) (upholding district court’s seal order to “safeguard . . . confidential material”). Indeed, this Court has already entered several Orders in this case to seal documents and pleadings that are similar in nature to the Agreement and the Pleadings that are the subject of this request.

Here, the public interest in gaining access to the confidential terms and provisions of the Agreement is slight and greatly outweighed by the parties’ privacy and competitive interests. *See*,

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*e.g.*, *Doe v. Solera Cap. LLC*, No. 18-cv-1769 (ER), 2021 WL 568806, at \*5 (S.D.N.Y. Jan. 20, 2021) (holding that “the privacy interests outweigh the presumption of access to the Confidential Agreement,” in light of the parties’ clear “wish to keep [the agreement] confidential”). The Agreement contains commercially sensitive information and is governed by a mutually agreed-upon confidentiality provision. And of course, Mission is not seeking to seal the content of the Pleadings in their entirety; rather, Mission requests that the Court accept for public filing the narrowly tailored redacted version of the Pleadings and Agreement that Comcast has already prepared and filed. These limited redactions respect the parties’ privacy interests while still providing for the public’s right of access.

Pursuant to Rule VI.A.2 of Your Honor’s Individual Practices, Mission is contemporaneously submitting publicly filed versions of the Pleadings with Mission’s proposed redactions, as well as unredacted versions under seal with its proposed redactions highlighted. To be clear, these documents are the same as were previously filed by Comcast.

We are available to provide any further information that may aid the Court in its determination of this matter.

Respectfully submitted,

/s/ Rebecca J. Fiebig  
Rebecca J. Fiebig (Bar No. RP1982)  
Richard W. Smith (*pro hac vice to be filed*)  
Stephen J. Obermeier (*pro hac vice to be filed*)

*Counsel for Mission Broadcasting, Inc.*

cc: All counsel of record (via ECF)